



**CITY COUNCIL  
MEETING MINUTES**

**November 16, 2009 7:30 PM**

**I. CALL TO ORDER**

**A. Flag Salute**

In Mayor Lewis's absence, Deputy Mayor Sue Singer presided over the meeting and called the meeting to order at 7:30 p.m. Deputy Mayor Singer led those in attendance in the Pledge of Allegiance.

**B. Roll Call**

The following Councilmembers were present: Rich Wagner, Sue Singer, Gene Cerino, Nancy Backus, Bill Peloza, Lynn Norman and Virginia Haugen.

Staff members present included: Assistant Planning Director Kevin Snyder; Public Works Director Dennis Dowdy; Information Services Director Lorrie Rempher; Parks, Arts and Recreation Director Daryl Faber; City Attorney Daniel B. Heid; Chief of Police Jim Kelly; Human Resources and Risk/Property Management Director Brenda Heineman; Finance Director Shelley Coleman; and City Clerk Danielle Daskam.

**C. Announcements, Presentations and Appointments**

**1. Announcements and Presentations**

**a) Recognition for Military Service**

Deputy Mayor Singer and Police Chief Kelly recognized Officer Danny Benavente for his military service.

Officer Benavente was hired by the City of Auburn on July 21, 2008 to begin his goal of becoming a police officer. A couple of short weeks later he was called to active duty with the United States Army for his most recent deployment on August 12<sup>th</sup>, 2008. This was

his third deployment as a military reservist; having previously been deployed to Iraq in 2005 and Kosovo in 2003. He returned safely to the United States on September 7<sup>th</sup>, 2009 and was released from active duty on November 6<sup>th</sup>, 2009. Officer Benavente returned to the Auburn Police Department a day later, on November 7<sup>th</sup>- anxious to begin his law enforcement career.

Officer Benevante enlisted in the Army Reserves in January 2001. He is currently a Staff Sergeant (E-6) with the 448<sup>th</sup> Civil Affair Battalion stationed at Fort Lewis.

Staff Sergeant Benavente is the recipient of several Army awards and medals. To name just a few – the Army Achievement Medal, Army Commendation Medal (3 times) and a Bronze Star.

While deployed to Iraq, Staff Sergeant Benaventes' main role was assisting with the local Government, providing humanitarian aide for the local populations, rebuilding water pump stations, schools, playgrounds, establishing a security plan for the Iraqi elections and providing security for the United Nations elections observers. As Danny put it, his most important objective was to win the hearts and minds of the Iraqi people.

Officer Benavente even organized an opportunity for the Auburn Police Department to participate in his efforts. School supplies, letters and D.A.R.E. T-shirts were sent to Danny from Auburn school children so that those items could be distributed to the children of a village Danny was working with.

Deputy Mayor Singer, the Council and Chief of Police Kelly thanked Officer Benavente for his service to the country.

## **2. Appointments**

### **a) Arts Commission**

City Council to confirm the appointment of Kristen Brock to the Arts Commission to fill an unexpired term which expires December 31, 2010.

Councilmember Wagner moved and Councilmember Cerino seconded to confirm the appointment of Kristen Brock to the Arts Commission.

MOTION CARRIED UNANIMOUSLY. 7-0.

**D. Agenda Modifications**

Ordinance No. 6273 and Resolution No. 4545 were added to the agenda and a revised Ordinance 6274 was distributed prior to the meeting.

**II. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE**

**A. Public Hearings**

No public hearing was scheduled for this evening.

**B. Audience Participation**

*This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.*

Leonard Couch, 1203 28<sup>th</sup> Street SE, Auburn

Mr. Couch complained that the intersection of 17<sup>th</sup>, M Street and Auburn Way South is unsafe. He suggested installing an island to improve the safety of the intersection.

Mara Heiman, 6430 287<sup>th</sup> Street, Auburn

Ms. Heiman spoke against Resolution No. 4535 and the extension of the moratorium. She stated that she believes her property is not within the floodplain.

Val Erickson, 535 M Street NE, Auburn

Ms. Erickson spoke in opposition to Resolution No. 4545 and condemnation of private property. Ms. Erickson urged the Council to delay the promenade project until further development occurs in the downtown area and the City's tax base is strengthened.

City Attorney Heid explained that Resolution No. 4545 provides notice of the City's future consideration of an ordinance to authorize condemnation of ten feet along the old Marvel building at

2 West Main Street and the alley and parking lot at 21 South Division Street.

Ms. Erickson also spoke against the art work at the old Crites Building. She described the art work as an unnecessary expense.

**C. Correspondence**

There was no correspondence for Council review.

**III. COUNCIL COMMITTEE REPORTS**

A3.7.6

**A. Municipal Services**

Chair Cerino reported the Municipal Services Committee met November 9, 2009. Chair Cerino noted that the draft minutes should be revised to reflect that Vice Chair Peloza was excused from the Municipal Services Committee meeting. The Committee approved the consent items and Ordinance No. 6273 relating to parking. The Committee discussed Resolution No. 4540 relating to the Comprehensive Emergency Management Plan, the dangerous dog ordinance, and transportation benefit districts. The next regular meeting of the Municipal Services Committee is scheduled for November 23, 2009 at 4:00 p.m.

**B. Planning & Community Development**

Chair Norman reported the Planning and Community Development Committee met November 9, 2009. The Committee discussed labor negotiations in closed session. The Committee also discussed an update on Green River flood preparations, and a transportation benefit district proposed by King County. The Committee reviewed Resolution No. 4535 extending the moratorium on development in the floodplain. The Committee also reviewed the 2009 Comprehensive Plan amendments. The next regular meeting of the Planning and Community Development Committee is scheduled for November 23, 2009 at 5:00 p.m.

**C. Public Works**

Chair Wagner reported the Public Works Committee met this afternoon at 3:00. The Committee approved a right-of-way use permit for the Auburn Professional Plaza building awnings. The Committee recommended award of the contract Project No. CP0815 for improvements at Mary Olson Farm and approved an amendment to a consulting services contract related to Project CP0701, the 8<sup>th</sup> Street NE and R Street NE Signal. The Committee reviewed Resolution No. 4543 setting date for hearing on the

proposed Transportation Improvement Plan. The Committee discussed the Comprehensive Plan amendments including the Transportation Plan element, the City's interlocal agreement with Water District No.111/Covington Water District, utility rates, the Comprehensive Storm Drainage Plan, the Comprehensive Sanitary Sewer Plan, and the Comprehensive Water Plan, capital projects, flood preparations status report, the transportation benefit district proposed by King county, an update on the budget, Ordinance No. 6273 relating to parking, and Resolution No. 4545 relating to condemnation of properties for the new promenade. The next regular meeting of the Public Works Committee is scheduled for December 7, 2009 at 3:00 p.m.

**D. Finance**

Chair Backus reported the Finance Committee met this evening at 6:30. The Committee approved claims and payroll vouchers, Ordinance No. 6274 relating to 2010 property taxes, Resolution No. 4539 authorizing the Mayor to submit an application for a Housing and Urban Development Section 108 loan to assist in funding for the new Community Center. The Committee discussed the transportation benefit district proposed by King County, the 2010 Budget, tenant utility billing processes, Ordinance No. 6278 amending the 2009 Budget, Resolution No. 4545 relating to condemnation of property for the promenade, and held a closed session to discuss labor negotiations. The next regular meeting of the Finance Committee is scheduled for December 7, 2009 at 6:30 p.m.

**E. Community Center**

Chair Wagner reported that the Community Center Committee has not met since the last Council meeting.

**F. Downtown Redevelopment**

Chair Norman reported that the Downtown Redevelopment Committee has not met since the last Council meeting. The next regular meeting of the Downtown Redevelopment Committee is scheduled for November 24, 2009 at 4:00 p.m.

**IV. REPORTS**

*At this time the Mayor and City Council may report on significant items associated with their appointed positions on state, regional and local organizations.*

**A. From the Council**

Councilmember Wagner reported on his attendance at the Regional Access Mobility Partnership (RAMP), the Pierce County transportation forum, where members discussed Pierce Transit's budget issues, the Partnership's legislative priorities, and Puget Sound Regional Council's Vision 2040 plan.

Councilmember Norman reported that the honor society from Arthur Jacobson Elementary School presented the City with donation for the barrier free playground in the amount \$200.57.

Councilmember Cerino reported on his attendance at the Pierce County Cities and Towns meeting where participants discussed the benefits of forming a cities organization much like the Suburban Cities Association in King County. The organization also discussed flood preparations. Councilmember Cerino also reported that he attended the Puget Sound Regional Council (PSRC) meeting on behalf of Pierce County cities where members discussed PSRC's, Vision 2040 transportation plan.

Councilmember Pelosa reported that he participated in the Rotary Shadow Program. On November 3<sup>rd</sup> Councilmember Pelosa had two high school students, Alisa Brogan from the Seventh Day Adventist Academy and Cecelia Soltero from Auburn Riverside High School, shadow him observing the workings of municipal government and the role of Councilmembers. Councilmember Pelosa led the students on a tour of the Auburn Justice Center including Auburn Municipal Court, the Senior Center and the White River Valley Museum and spent some time meeting with Mayor Lewis. Councilmember Pelosa also reported on his attendance a Suburban Cities Association members caucus where members reviewed the draft criteria to be used for the reclaimed water comprehensive planning process. Councilmember Pelosa also attended the Regional Water Quality Committee meeting where members discussed a report on the work program status related to reclaimed water, how to market and establish contracts for the sale of reclaimed water, and rate structures and policies related to reclaimed water. Councilmember Pelosa reported on his attendance at the National League of Cities conference in San Antonio, Texas, where he participated on the Committee for Energy, Environment, and Natural Resources, attended several workshops, and served as a panelist regarding implementation of a Farmers Market. Councilmember Pelosa also attended the Auburn Food Bank fund raising breakfast on November 6<sup>th</sup>.

Councilmember Haugen reported that she was interviewed by a high school student for the student's Civics class regarding local government. Councilmember Haugen also reported that she attended a recent Auburn High School Trojan football game.

Deputy Mayor Singer congratulated staff on another successful Veterans Day Parade. Deputy Mayor Singer reported that she and Councilmember Wagner attended several meetings on Project ASCENT (Auburn Scientific Center for Emergent New Technologies) including meetings with Green River Community College President and staff, Washington State University staff regarding an Environmental Protection Administration grant, and McKinstry, a private company that is building an incubator. Deputy Mayor Singer also reported that this afternoon she met with representatives of other valley cities and staff to discuss recovery efforts should a flooding disaster occur.

**V. CONSENT AGENDA**

*All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.*

**A. Minutes**

- 1. Minutes of the November 2, 2009 regular City Council meeting.**

**B. Vouchers**  
F4.9.2, F4.9.5

- 1. Claims**  
Claims check numbers 390055 through 390463 in the amount of \$5,523,072.26 and dated November 16, 2009.
- 2. Payroll**  
Payroll check numbers 527642 to 527749 in the amount of \$778,716.45 and electronic deposit transmissions in the amount of \$1,218,937.64 for a grand total of \$1,997.654.09 for the pay period covering October 16, 2009 to November 10, 2009.

**C. Contract Administration**

- 1. Consultant Services Agreement No. AG-C-292**

A3.16.9, O4.10.2 CP0701

City Council approve Amendment #2 to Consultant Agreement No. AG-C-292 with INCA Engineers, Inc. for Engineering Services on Project No. CP0701 – 8<sup>th</sup> St NE and R St NE Signal.

**2. Public Works Project No. CP0815**

O5.2

City Council award Contract 09-15, Project No. CP0815, South 277<sup>th</sup> Street Reconstruction Project Phase III – Mary Olson Farm – Materials Procurement, to Bernard Commercial on their low bid of \$57,101.70 plus Washington State sales tax of \$5,424.66 for a total contract price of \$62,526.36.

**D. Call for Public Hearing**

**1. 2009-2010 Biennial Budget**

F3.22

City Council to call for a public hearing on December 7, 2009 to receive public comment on the Mid-biennial Review of the 2009-2010 Biennial Budget.

Councilmember Wagner moved and Councilmember Cerino seconded to approve the Consent Agenda.

Councilmember Haugen indicated that she would vote against the Consent Agenda because of the claims vouchers.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

**VI. UNFINISHED BUSINESS**

**A. Resolution No. 4535**

O3.10.8

A Resolution of the City Council of the City of Auburn, Washington, extending the moratorium created and established by Resolution No. 4416, as amended by Resolutions 4442 and 4476, related to the filing, receipt, and approval of applications for development within areas of the City located within, in whole or in part, floodplains as determined by the Federal Emergency Management Administration



(On November 2, 2009, the City Council tabled Resolution No. 4535.)

Councilmember Norman moved and Councilmember Backus seconded to remove Resolution No. 4535 from the table and adopt Resolution No. 4535.

Councilmember Cerino stated that if it was not for the threat of legal action from the Federal Emergency Management Association, he would not vote in favor of the resolution.

Councilmember Haugen spoke against the resolution.

Councilmember Peloza stated that he has been attending Lower Green Subcommittee meetings. He suggested that a drainage ditch district may benefit the area.

Councilmember Haugen stated that after listening to comments by Councilmember Peloza, she would vote in favor of Resolution No. 4535.

MOTION CARRIED UNANIMOUSLY. 7-0.

**VII. NEW BUSINESS**

There was no new business.

**VIII. ORDINANCES AND RESOLUTIONS**

**A. Ordinances**

**1. Ordinance No. 6274**

F6.6.3, F3.22

An Ordinance of the City Council of the City of Auburn, Washington, authorizing the levy of regular property taxes by the City of Auburn for collection in 2010

Councilmember Backus moved and Councilmember Peloza seconded to introduce and adopt Ordinance No. 6274, as amended by the Finance Committee.

Councilmember Haugen inquired regarding the effect of the ordinance on a \$250,000 home.

Finance Director Coleman responded that the effect of the levy above the 101 percent amount is approximately \$26.00 per year on a \$200,000 home.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

**2. Ordinance No. 6273**

O1.2

An Ordinance of the City Council of the City of Auburn, Washington, amending Sections 10.36.190 and 10.36.192 of the Auburn City Code relating to commercial vehicle parking and residential parking

Councilmember Cerino moved and Councilmember Pelozo seconded to introduce and adopt Ordinance No. 6273.

MOTION CARRIED UNANIMOUSLY. 7-0.

**B. Resolutions**

**1. Resolution No. 4539**

O3.4.1.7, O4.4.13, F5.4.3.2

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to submit an application to the U.S. Department of Housing and Urban Development for a Section 108 Loan to assist in the funding of the new Community Center at the Les Gove Park Campus

Councilmember Backus moved and Councilmember Pelozo seconded to adopt Resolution No. 4539.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

**2. Resolution No. 4543**

O4.9.3

A Resolution of the City Council of the City of Auburn, Washington, setting the time and date for a public hearing before the City Council on the 2010-2015 Transportation Improvement Program

Councilmember Wagner moved and Councilmember Cerino seconded to adopt Resolution No. 4543.

MOTION CARRIED UNANIMOUSLY. 7-0.

**3. Resolution No. 4545**

A3.13.4, O3.4.1.1,

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to provide notice of Council consideration of an Ordinance authorizing condemnation of property to widen a portion of South Division Street

Councilmember Wagner moved and Councilmember Cerino seconded to adopt Resolution No. 4545.

Councilmember Haugen stated she would vote against the Resolution as she was not a member of a committee that reviewed the Resolution prior to the meeting.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

**IX. EXECUTIVE SESSION**

At 8:28 p.m., Deputy Mayor Singer recessed the meeting to executive session for fifteen minutes for the purpose of discussing the sale and/or acquisition of real property pursuant to RCW 42.30.110(1)(b) and (c). Staff members who attended the executive session included City Attorney Heid, Human Resources and Property/Risk Management Director Heineman, and Finance Director Shelley Coleman. No action is anticipated following the executive session.

Deputy Mayor Singer reconvened the regular meeting at 8:40 p.m.

**X. ADJOURNMENT**

There being no further business to come before the Council, the meeting adjourned at 8:40 p.m.

APPROVED THE \_\_\_\_\_ DAY OF DECEMBER, 2009.

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Peter B. Lewis, Mayor

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Danielle Daskam, City Clerk

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